

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION LODGING NO.1810 OF 2006**

Jaywant V. Tawade & Ors.

..Petitioners

Vs.

1.The Best Employees Co-op.

Credit Society Ltd. & ors.

..Respondents

Mr. Appasaheb S. Desai, for the petitioners

Mr. Virag V. Tulzapurkar, Senior Counsel with Mr. H.

Tur and Ms. Manjiri Chitnis i/b. Chitnis & Co., for

Respondent Nos. 1 and 2.

Mr. R.M.Sawant, Govt. Pleader for the Respondents

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 8TH AUGUST 2006

P.C.

. Rule. Heard forthwith.

2. Under Section 73H of the Maharashtra Co-operative Societies Act, 1960 a duty is cast on the managing committee of every society to arrange for holding the elections of its committee before expiry of its term. The managing committee of the respondent No.1 has set in motion the process. The

petitioners have now approached this Court contending that the members of the managing committee themselves are candidates and as such they ought not to participate in the election process. Our attention is invited to certain circulars issued by the General Secretary of the respondent No.1.

3. As the facts now stand the list of validly nominated candidates have already been declared. The petitioners have no grievance on that count. Their grievance now is firstly that names of eligible members who are entitled to vote in terms of the Bye-laws, Act and the Rules are not available. Their further submission is that they have not been able to file any objections on that count and as such the entire election process is vitiated. Third objection is that the members of the managing committee who are candidates themselves to ensure fair play ought not to take part in any manner in the election process except as candidates.

4. On behalf of the respondent No.1 a reply has been filed setting out the various steps taken and the time table for the election. The elections are scheduled to be held on 26th September, 2006.

5. After hearing the parties, the present petition can be disposed of by issuing the following directions:-

(i) Respondent No.1 to make available to the petitioners and others who seek the voters list, the voters list within 15 days from today.

(ii) If the petitioners and other have any objections, the same would be filed within one week from the receipt of the voters list. Those objections will be decided by a Polling Officer/Scrutiny Officer to be appointed by the managing committee who will not be candidate at the elections. The objections received be disposed off at any rate not later than 7 days from the date of receipt of the objections. The final list be published immediately thereafter.

(iii) All persons taking part in the election process shall be persons other than those who are candidates at the elections.

(iv) Rule made absolute accordingly. However, there shall be no order as to costs.

(F.I. REBELLO, J)

(MRS.V.K.TAHILRAMANI, J).